

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CASBN 138549)
3 Chief, Criminal Division

4 GARY G. FRY (CASBN 85582)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5061
Fax: (408) 535-5066

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION *E-FILED - 8/3/06*

13 UNITED STATES OF AMERICA,)	No. CR 06-00361 RMW
14 Plaintiff,)	
15 v.)	UNITED STATES'
16 CATHY LYNN LONGLEY,)	FINDINGS OF EXCLUDABILITY OF
17 Defendant.)	TIME UNDER THE SPEEDY TRIAL
)	ACT [18 U.S.C. §§ 3161 <i>et seq.</i>]
)	Date: N/A
)	Time: N/A

19 COMES NOW THE UNITED STATES OF AMERICA, represented by Assistant United
20 States Attorney Gary G. Fry, and, pursuant to an oral order of the court issued on July 31, 2006,
21 files proposed written findings excluding time from the requirements of the Speedy Trial Act, 18
22 U.S.C. §§ 3161 *et seq.* Said findings conform to those first made orally from the bench on
23 Monday July 31, 2006.

24
25 Date: Monday July 31, 2006

KEVIN V. RYAN
United States Attorney

/S/

GARY G. FRY
Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
CATHY LYNN LONGLEY,
Defendant.

No. CR 06-00361 RMW

**ORDER OF THE COURT EXCLUDING
TIME FROM THE SPEEDY TRIAL
ACT [18 U.S.C. §§ 3161 *et seq.*]**

Date: N/A
Time: N/A

On motion of the United States, made orally on July 31, 2006 , and without objection from the defendant, the court FINDS as follows.

In this case, counsel for the defense plans to be unavailable and out of her office for two weeks in August of 2006. She also needs time to review discovery submitted to her by the government..

Therefore, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), the court excludes 33 days (*i.e.*, from July 31, 2006, to August 28, 2006) to allow counsel for the defendant reasonable time for effective preparation (taking into account the exercise of due diligence). The court FINDS that the ends of justice served by this delay outweigh the best interests of the public and the

1 defendant (who has not objected) in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

2 The court further finds, based on the facts, that said delay is also necessary to provide the
3 defendant with continuity of counsel, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv).

4 Therefore, based on the foregoing, the court ORDERS that a period of 33 days, *i.e.*, from
5 July 31, 2006, to August 28, 2006, is hereby excluded from the period of time that trial in this
6 matter would otherwise have to commence under the Speedy Trial Act, 18 U.S.C. §§ 3161 *et*
7 *seq.*

8 IT IS SO ORDERED.

9
10 Date: 8/3/06

/S/ RONALD M. WHYTE
HON. RONALD M. WHYTE
United States District Judge
Northern District of California